

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

Tuesday, March 13, 2018

City Council Chamber

4:00 p.m.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Council President Kincaid called the meeting to order. The following members were present: Council Members Kerry Kincaid, David Klinkhammer, Kathy Mitchell, David Strobel, Tim Tewalt, Bob Von Haden, Terry Weld and Andrew Werthmann.
Council Members absent: Kate Beaton, Catherine Emmanuelle and Michael Xiong.

CONSENT AGENDA

Council Member Beaton entered Council Chambers.

The Council considered a resolution adopting the Consent Agenda for the following items of routine business on Tuesday, March 13, 2018:

- Adopting the Consent Agenda.
- Approving the Minutes of the February 27, 2018 Council Legislative Session.
- Granting new bartender licenses.
- Granting a Change of Agent for the Combination “Class B” Intoxicating Liquor and Fermented Malt Beverage license of Longform, LLC, d/b/a Oxbow Hotel/Restaurant, 508/516 Galloway Street, from Ben Richgruber to Nathan J. Berg.
- Awarding a contract for Procurement No. 2018-14, Purchase of Fire Trucks.
- Authorizing the Community Services Department to submit an application for an Otto Bremer Trust Grant.
- Authorizing the Community Services Department to submit an application to the National Recreation and Parks Association/Walmart Foundation for a Healthy Out-of-School Time Program Grant.
- Authorizing the Community Services Department to submit an application to the Wisconsin Department of Natural Resources for a 2018 Municipal Flood Control Grant.
- Declaring the City’s intention to exercise its special assessment powers under Section 66.0703, Wisconsin Statutes, for street, utility, and sidewalk improvements, and directing the City Clerk to give notice of a hearing scheduled for March 26, 2018, on the following streets:
 - Lake Street, Chippewa River Bridge to South Farwell Street (18-111)
 - West Grand Avenue, First Avenue to Oxford Avenue (18-108)
 - Airport Road, Neptune Avenue to East Riverview Drive (18-200)
 - Colonial Drive, Marquette Street to Apollo Drive (18-300)
 - Fairfax Street, Golf Road to Meadow Lane (18-301)
 - Harding Avenue, Washington Street to Lee Street (18-302)
 - Washington Street, South Farwell Street to East Street (18-117)
 - Eighth Street, Folsom Street to Truax Boulevard (18-105)
 - Eleventh Street, Vine Street to Marshall Street (18-104)
 - Platt Street, Seventh Street to Eleventh Street (18-112)
 - Tenth Street, Platt Street to Vine Street (18-115)

Thereupon a motion was offered by Council Member Tewalt and seconded by Council Member Weld “to adopt the consent resolution.” Said motion passed by unanimous vote.

PROCLAMATION

President Kincaid read a proclamation acknowledging the commitment of the American Legion to being a staunch advocate for veterans and their families since 1919, proclaiming March 17, 2018 as American Legion Centennial Day, and encouraging citizens of and visitors to Eau Claire to recognize and honor their neighborhood veterans and their families.

LICENSING

The City Council considered a resolution granting a Temporary Class “B” Fermented Malt Beverage and Wine license to Feed My People Food Bank, Paul Oppedahl, President, for the Chippewa Valley Ribfest Competition at Swimrite Pools & Spas, 5705 State Road 93, on May 12, 2018. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to adopt the resolution.” Said motion passed by unanimous vote.

The City Council considered a resolution granting a Combination “Class B” Intoxicating Liquor and Fermented Malt Beverage license and a Class A Cabaret License to My Office Lounge LLC, d/b/a My Office, at 406 Galloway Street, Mohammad Al-Hashlamoun, agent. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Strobel “to adopt the resolution.” Said motion passed by unanimous vote.

The City Council considered a resolution granting a Class B Fermented Malt Beverage license to Art on the Ridge, LLC, d/b/a Art on the Ridge, 525 Park Ridge Court, Roberta DeVoll, agent. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Beaton “to adopt the resolution.” Said motion passed by unanimous vote.

GRANT

The City Council considered a resolution accepting and appropriating a grant from the State of Wisconsin Department of Natural Resources for the maintenance of City Wide Trails. Thereupon a motion was offered by Council Member Tewalt and seconded by Council Member Weld “to adopt the resolution.” Said motion passed by unanimous vote.

SUSTAINABILITY

The City Council considered a resolution adopting the major recommendations of the December 27, 2017 Executive Summary Report from the Sustainability Advisory Committee analyzing the local impacts of the Paris Climate Agreement. Thereupon a motion was offered by Council Member Beaton and seconded by Council Member Werthmann “to adopt the resolution.”

Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Beaton to amend the resolution by adding the following BE IT FURTHER RESOLVED clause: **“NOW, THEREFORE, BE IT FURTHER RESOLVED** by the City Council of the City of Eau Claire that all purchasing decisions that come before the City Council for approval, which impact our goals of carbon neutrality and renewable energy, shall include a cost benefit analysis and a measurement of the contribution the purchase will have towards reaching our stated goals.

Such analysis shall include, at a minimum, the initial purchase cost differential, and if significant the relative operation and maintenance costs of the competing options.”

Council Member Emmanuelle entered Council Chambers. Discussion was held.

Said “motion to amend” passed by unanimous vote.

A vote was then taken to “adopt the resolution as amended.” Said motion passed by unanimous vote.

STREET IMPROVEMENTS

The City Council considered a final resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- Graham Avenue, Eau Claire Street to Lake Street (18-107)
- Gray Street, South Barstow Street to 156 Feet West of Graham Avenue (18-118)
- Main Street, South Barstow Street to the Chippewa River (18-119).

Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to adopt the resolution.” Said motion passed by unanimous vote.

The City Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statutes. 66.0907 on the following streets:

- Graham Avenue, Eau Claire Street to Lake Street (18-107)
- Gray Street, South Barstow Street to 156 Feet West of Graham Avenue (18-118)
- Main Street, South Barstow Street to the Chippewa River (18-119).

Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Strobel “to adopt the resolution.” Said motion passed by unanimous vote.

The City Council considered a final resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- Sherwin Avenue, Margaret Street to Chapin Street (18-113)
- Agnes Street, Sherwin Avenue to Highland Avenue (18-101)
- Fenwick Avenue, Keith Street to Donnellan Lane (18-106)
- W. Clairemont Avenue Frontage Road South, Stein Boulevard to 1,500 Feet West (18-102).

Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Emmanuelle “to adopt the resolution.”

Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Klinkhammer to amend the resolution by adding the following BE IT FURTHER RESOLVED clause:

“NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Eau Claire that the proposed five-foot-wide concrete sidewalk located along the north side of the W. Clairemont Frontage Road South is replaced with an eight-foot-wide multi-use trail.”

Said “motion to amend” passed by unanimous vote.

A vote was then taken to “adopt the resolution as amended.” Said motion passed by unanimous vote.

The City Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 on the following streets:

- Sherwin Avenue, Margaret Street to Chapin Street (18-113)
- Agnes Street, Sherwin Avenue to Highland Avenue (18-101)
- Fenwick Avenue, Keith Street to Donnellan Lane (18-106)
- W. Clairemont Avenue Frontage Road South, Stein Boulevard to 1,500 Feet West (18-102).

Thereupon a motion was offered by Council Member Tewalt and seconded by Council Member Weld “to adopt the resolution.” Said motion passed by unanimous vote.

AGREEMENTS

The City Council considered a resolution authorizing the City Manager to enter into a development agreement with Hope Gospel Mission, Inc. for Mercantile Drive, from Kohlhepp Road to 632 feet north. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to adopt the resolution.” Said motion passed by unanimous vote.

The City Council considered a resolution authorizing the City Manager to execute a collective bargaining agreement between the City of Eau Claire and Transit Local 1310. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Strobel “to adopt the resolution.” Said motion passed by the following vote: Aye: Council Members Beaton, Emmanuelle, Kincaid, Klinkhammer, Mitchell, Strobel, Tewalt, Von Haden and Weld. Nay: Council Member Werthmann.

TASK FORCE

The City Council considered a resolution approving the formation of an ad hoc Neighborhood Safety and Relations Task Force. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Werthmann “to table consideration until after Agenda Item #23, Public Good Order.” Said “motion to table” passed by unanimous voice vote.

PUBLIC GOOD ORDER

The Council considered an ordinance amending Section 9.56.050 entitled “Public Good Order”, Chapter 9.79 entitled “Taxicabs and Motor Buses” and Section 1.24.030 entitled “Deposit Schedule” of the City Code of Ordinances.

Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Emmanuelle “to indefinitely postpone.” Said motion was withdrawn.

Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Emmanuelle “to postpone until the City Manager brings the ordinance back to Council for consideration.” Said motion passed by the following vote: Aye: Council Members Beaton, Emmanuelle, Kincaid, Klinkhammer, Mitchell, Von Haden and Weld.

Nay: Council Members Strobel, Tewalt and Werthmann.

TASK FORCE

Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Von Haden “to take off the table” and consider a resolution approving the formation of an ad hoc Neighborhood Safety and Relations Task Force. Said “motion to take off the table” passed by unanimous voice vote.

Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Beaton “to adopt the resolution.” Discussion was held.

Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Klinkhammer “to amend the resolution” by replacing the resolution with the City Manager’s document titled “Thoughts from the City Manager: A Path Forward,” and adding that resource representatives shall be considered from, but not limited to, the Task Force Membership list in the original resolution. Said motion was withdrawn.

Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Mitchell “to amend the resolution” by deleting everything from the resolution after the Task Force Membership list, adding the language from the City Manager’s document titled “Thoughts from the City Manager: A Path Forward,” and adding that Task Force Membership shall be considered from, but not limited to, those listed in the resolution. Said motion passed by the following vote: Aye: Council Members Beaton, Emmanuelle, Kincaid, Klinkhammer, Mitchell, Strobel, Weld and Werthmann. Nay: Council Members Tewalt and Von Haden. The complete motion is on file in the City Clerk’s Office.

Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Beaton “to amend the resolution” by adding two Council Members as representatives of the Task Force. Said motion failed by the following vote: Aye: Council Members Beaton, Strobel, Tewalt and Werthmann. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Mitchell, Von Haden and Weld.

A vote was then taken to “adopt the resolution as amended.” Said motion passed by unanimous vote.

YARDS & LAWNS

The Council considered an ordinance amending Section 8.28.100 of the City Code of Ordinances entitled “Yards and Lawns.” Thereupon a motion was offered by Council Member Tewalt and seconded by Council Member Weld “to adopt the ordinance.” Said motion passed by unanimous vote.

KEEPING OF HONEY BEES

The Council considered an ordinance amending Chapter 6.14, entitled “Keeping of Honey Bees” of the City Code of Ordinances. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to adopt the ordinance.” Said motion passed by unanimous vote.

PAY PLAN

The City Council had first reading on an ordinance amending s. 2.72.010 entitled “City of Eau Claire Pay Plan – Adopted,” specifically that part thereof pertaining to Transit Local 1310 employees.

Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to suspend the rules which interfere with the immediate consideration of said ordinance.” Said motion to suspend the rules passed by unanimous voice vote.

Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Mitchell “to adopt the ordinance.” Said motion passed by unanimous vote.

CLOSED SESSION

Council President Kincaid announced that upon a motion duly made and seconded, the Council may go into closed session to conduct the annual performance evaluation process of the City Manager, an employee over whom the City Council exercises responsibility, which is permitted in closed session pursuant to s. 19.85(1)(c) of the Wisconsin Statutes. Thereupon a motion was offered by Council Member Weld and seconded by Council Member Von Haden to “convene into closed session”. Said motion passed by the following vote: Aye: Council Members Kincaid, Klinkhammer, Mitchell, Strobel, Tewalt, Von Haden and Weld.
Nay: Council Members Beaton, Emmanuelle and Werthmann.

After a brief recess, the Council convened into closed session.

ADJOURNMENT

A motion was offered by Council Member Werthmann and seconded by Council Member Emmanuelle “that this meeting does now adjourn without objection.” Said motion passed by unanimous consent.

Adjournment: March 13, 2018

Time: 8:42 p.m.

ATTEST:

/s/ Kerry J. S. Kincaid, President

/s/ Carrie L. Riepl, City Clerk